
To: Mayor and Council
From: Paul Gipps, CAO
Meeting Date: October 15, 2024
Meeting Type: Regular Council Meeting

Prepared by: Brian Zurek, Manager of Planning
Department: Planning and Development

Title: Zoning Bylaw Amendment | Z0000341 | District of Lake Country
Description: Proposed Zoning Bylaw Amendment to Authorize the Keeping of Backyard Chickens.

RECOMMENDATION

THAT Zoning Amendment (Z0000341) Bylaw 1426, 2024 be read a first and second time and forwarded to a Public Hearing.

EXECUTIVE SUMMARY

Existing regulations in the District of Lake Country do not permit the keeping of poultry in an urban residential zone. In 2019, Council directed staff to submit recommendations pertaining to the keeping of chickens in urban areas. In the interim, Council directed staff not to enforce the associated regulations on urban residential lots where chickens were kept in 2019.

Lake Country residents have expressed a desire to raise chickens on lots throughout the District that traditionally supported single family residences. In fact, backyard chickens are kept on lots in the community.

Staff propose Zoning Bylaw amendments that would authorize and regulate the keeping of backyard chickens on lots in urban areas. In addition to specific zones and minimum lot sizes, the proposed amendments would regulate backyard enclosures (design, size, location), required maintenance (of feed and waste), and the management of hens (personal use only).

Should Council support the proposed Zoning Bylaw amendment, staff would monitor the implementation of the regulations and provide Council with a summary of results within 12 months of the bylaw adoption date or as otherwise directed by Council.

Staff support the proposed bylaw amendment.

BACKGROUND

The Zoning Bylaw authorizes commercial poultry production on parcels zoned A1 – Agriculture, and the keeping of agricultural animals in the RR2 – Rural Residential 2 zone; however, the regulation does not permit the keeping of poultry on urban residential lots in the District.

The keeping of poultry in urban areas has generated historic concerns among residents regarding associated noise, odour, pest management, and animal welfare; however, a growing number of communities in the Okanagan and across the province have authorized the keeping of poultry on residential lots through bylaw regulations.

In 2019, Council passed the following motion:

THAT Council direct staff to review District regulations and submit recommendations on allowable zoning and limitations pertaining to chickens in urban areas;

AND THAT a moratorium on enforcement of current regulations on chickens be put in place until such time the requested review is completed;
AND THAT staff continue to enforce regulations prohibiting roosters in urban areas.

Additionally, the Official Community Plan (OCP) includes the following agricultural policy:

- 14.1.9.d Consider amending the Zoning Bylaw to allow up to four laying hens per property in appropriate Residential zones, subject to regulations for the purpose of minimizing any conflict between adjoining residential properties, including but not limited to:
- i. Property line setbacks; and
 - ii. Chicken coop sizing.

Since 2019, staff have documented an increased number of inquiries into the keeping of chickens on urban residential lots in the District.

DISCUSSION/ANALYSIS

Following Council direction, staff propose Zoning Bylaw amendments to authorize the keeping of backyard chickens on urban residential lots (Attachment A). The proposed amendments would allow residents to keep up to four hens subject to the following restrictions:

- Required zoning: RR3 – Rural Residential 3 or RU1 – Small-Scale Multiple Housing,
- Minimum lot size: 1,000m² (~0.25 acres), and
- Maximum number of residential dwelling units: two.

The proposed bylaw would permit the keeping of backyard chickens on parcels that are relatively large (RU1 minimum lot size is 500 m²) and located in more urban areas of the District. The proposed bylaw would permit the keeping of backyard chickens on parcels with up to two dwelling units (for example, a house with a secondary suite); however, the keeping of backyard chickens on parcels with multi-family density (three or more dwelling units) is not proposed as part of this bylaw.

The proposed bylaw would not permit the keeping of backyard chickens in other urban residential zones (RU2 – Small Lot Small-Scale Multiple Housing or RU6 – Large Lot Small-Scale Multiple Housing) regardless of the number of residential units (two or fewer) or lot size (greater than 1,000 m²). Council could choose to permit the keeping of backyard chickens on a greater number of residential lots in the District by amending the regulation to include additional zones (RU2 / RU6) or a smaller minimum lot size (500 m²). Alternatively, Council could choose to permit backyard chickens on fewer residential lots by removing a proposed zone from the regulation or by increasing the minimum lot size (2,000 m²).

In addition to zoning and lot size, the regulations would identify the requirements for chicken enclosures, including the design, size (minimums), and location (siting) of associated structures. For example, chicken enclosures must have a coop (0.4 m² per hen or ~4ft²) and a run (1 m² per hen or ~10ft²), and not be located closer than 2.0 m from rear or internal side lot lines and 3.0 m from flanking side lot lines or on-site dwellings. The proposed regulation does not include a maximum size of an enclosure; however, the Building Bylaw would require structures greater than 10 m² to be authorized through a Building Permit.

Enclosures must be maintained to prevent odours, attraction of pests or wildlife, and disease or the poor health of hens. Manure or other wastes (including food) must be managed on site and not permitted to enter the municipal sewage or storm drainage systems.

The proposed Zoning Bylaw amendments would include regulations for the management of backyard chickens. Hens must be kept in chicken enclosures and must not be permitted to free-run on a lot or trespass onto private or public property. The regulations would not permit hens to be butchered or otherwise disposed on a lot where the keeping of backyard chickens is permitted.

The proposed regulations would require hens kept for personal use only. The sale of eggs or associated agricultural products would not be permitted. Additionally, the proposed bylaw amendments would not permit roosters in urban residential zones.

The proposed Zoning Bylaw amendments are summarized below (Table 1).

TABLE 1 - Recommended Bylaw Provisions for Urban Chickens		
SUBJECT	RECOMMENDED PROVISION	BYLAW
Allowable Zones	<ul style="list-style-type: none"> - RR3 – Rural Residential 3 and RU1 – Small-Scale Multiple Housing - Minimum 1,000 m² lot size (~¼ Acre) - Excluding lots with greater than two dwelling units 	Zoning Bylaw 561
Chicken Enclosure Requirements	<ul style="list-style-type: none"> - Coop: minimum 0.4 m² (~4ft²) per hen - Hen Yard: 1.0 m² (~10ft²) per hen 	Zoning Bylaw 561
Siting Restrictions for Chicken Enclosures	<ul style="list-style-type: none"> - 2m from rear and internal side lot line - 3m from flanking side yard or on-site dwelling - Located in rear yard only 	Zoning Bylaw 561
Number and Type of Chickens Permitted	<ul style="list-style-type: none"> - Maximum 4 hens - No roosters 	Zoning Bylaw 561
Pest control	<ul style="list-style-type: none"> - Enclosures must be: <ul style="list-style-type: none"> o kept in sanitary condition o protected against access of other animals 	Zoning Bylaw 561
Other regulations	<ul style="list-style-type: none"> - No slaughtering allowed - No sales of eggs, manure, or other products 	Zoning Bylaw 561

Allowing residents to keep poultry on urban residential lots would promote food security and sustainable, local food production. The proposed regulations would provide guidance to residents who may choose to keep backyard chickens. The regulations would also provide District staff the ability respond to neighbourhood concerns regarding the keeping of hens, and to undertake enforcement actions, if required.

Should Council support the proposed Zoning Bylaw amendment, staff would monitor the implementation of the regulations and provide Council with a summary of results within 12 months of the bylaw adoption date or as otherwise directed by Council.

Staff support the proposed Zoning Bylaw amendment.

FINANCIAL IMPLICATIONS

None Budget Previously Approved Other

The proposed regulations may result in an increase in the number of urban parcels on which backyard chickens would be kept. The District would monitor related calls for service to determine an impact on Bylaw staff.

COMMUNICATION

This application was referred to internal departments during the preparation of this bylaw. Should Council support the staff recommendation, the proposed bylaw would proceed to public hearing prior to third reading. Notice of the public hearing would be advertised in the newspaper and on the District's website.

ALTERNATE RECOMMENDATIONS

- A. THAT Zoning Amendment (Z0000341) Bylaw 1426, 2024 not be read a first and second time and the file closed.
- B. THAT Zoning Amendment (Z0000341) Bylaw 1426, 2024 be deferred pending alternative direction.

Respectfully Submitted,
Brian Zurek, Manager of Planning